

REMARKS

Claims 1 - 21 and 23 - 27 are pending. By this amendment, claims 1, 5, 7, 8, 10, 11, 14, 18, 21, 23, and 24 are amended and claims 2, 4, 9, 12, 15, 17 and 25 are cancelled. No new matter is introduced. The amendments are supported at least at page 7, line 16 to page 8, page 27, line 3 to page 29, line 8, line 2, and in Figure 13. Applicants respectfully request reconsideration and issuance of a Notice of Allowance.

On page 3 the Office Action rejects claims 1-21 and 23-27 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,050,432 to Banavar et al. (hereafter Banavar). Applicants respectfully traverse this rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); see also MPEP § 2131. “The identical invention must be shown in as complete detail as is contained in the … claim.” Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990). As stated, Banavar does not show each and every element as set forth in the claims, does not suggest the identical invention as defined in the claims, and does not suggest the elements arranged as required by the claims.

Claim 1

Banavar is directed to a technique for multicasting a message to subscribers over a network. The multicasting, or routing, includes routing based on the data content of the messages. However, nowhere does Banavar directly disclose or suggest how this data content is obtained or used in the routing steps. Rather, Banavar incorporates by reference two pending patent applications that now have matured into U.S. Patents.

Applicants have carefully reviewed both of these patents and conclude that neither patent discloses or suggests all the elements of amended claim 1. More particularly, Banavar and its incorporated inferences, do not disclose or suggest inspecting the payload section of the packet in a network core, the step of inspecting, comprising: extracting data attributes from the payload section, comparing the extracted data attributes to two or more attributes filters, and if the comparing step indicates that each of the two or more attributes filters is satisfied, performing a set of functions.

In contrast to Banavar, amended claim 1 recites inspecting the payload section of the packet in a network core, the step of inspecting, comprising extracting data attributes from the payload section, comparing the extracted data attributes to two or more attributes filters, and if the comparing step indicates that each of the two or more attributes filters is satisfied, performing a set of functions. As noted above, this element is not disclosed or suggested by Banavar and its incorporated references. Therefore, claim 1 is patentable

Independent Claims 8, 14, and 21

Similar to claim 1, claims 8, 14, and 21 are amended to recite detailed payload inspection steps that Banavar and its incorporated references do not disclose or suggest. Accordingly, claims 8, 14, and 21 also are patentable.

Dependent Claims

Dependent claims 2, 4, 9, 12, 15, 17 and 25 are cancelled and their rejection is moot.

Claims 3 and 5-7, which depend on patentable claim 1, are not anticipated for at least the same reasons as claim 1, and because of their own independent features. For example, Banavar does not describe “propagating the filter to a router in the network for use in performing the inspecting,” as recited in claim 5. Nowhere in Banavar, let alone the cited col. 8, lines 40-67, is propagating a filter to a router described. Indeed, nowhere does Banavar even mention or describe a filter.

Claims 10 and 11, which depend on patentable claim 8, are not anticipated for at least these same reasons as claim 8, and their own independent features.

Claims 16 and 18-20, which depend on patentable claim 14, are not anticipated for at least the same reasons as claim 14, and their own independent features. For example, nowhere in Banavar, let alone in the cited col. 8, lines 40-67, is “a module for propagating the filter to a router in the network for use in performing the inspecting,” as recited in claim 18, described.

Claims 23, 24, 26 and 27 which depend on patentable claim 21, are not anticipated for at least the same reasons as claim 21, and their own independent features.

CONCLUSION

In view of the above remarks, Applicants respectfully assert that the application is in condition for allowance. Prompt examination and allowance of the claims is respectfully requested. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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